

### **REMARKS/ARGUMENTS**

This paper is responsive to the final Office Action mailed July 20, 2007. Reconsideration and allowance are respectfully requested. No new matter is added.

#### ***Interview Summary***

The undersigned thanks Examiner Shelton and his supervisor for taking the time to conduct a telephone interview on November 15, 2007. During the interview, a proposed amendment to claim 1 was discussed in connection with the Bruck and Billmaier references. The proposed amendment is very similar to the amendment to claim 1 submitted herein. The Examiners indicated during the interview that such an amendment would likely distinguish over the present rejection of claim 1.

#### ***Art-Based Rejections***

- Claims 1, 4, 5, 15, 18, 24, 26, 27, 29, 30, 31, and 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 00/64150 to Bruck, et al. ("Bruck") in view of U.S. Patent Application Serial No. 2003/0046695 to Billmaier, et al. ("Billmaier").
- Claims 2, 7-9, 12-17, 32, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck in view of Billmaier, and further in view of U.S. Patent No. 5,880,731 to Liles, et al. ("Liles").
- Claims 3, 6, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck in view of Billmaier, and further in view of U.S. Patent No. 7,036,083 to Zenith ("Zenith").
- Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck in view of Billmaier, further in view of Liles, and further in view of U.S. Patent No. 6,208,335 to Gordon, et al. ("Gordon").

Applicants respectfully traverse all rejections in view of the amendments and remarks herein.

#### ***Independent Claim 1***

Independent claim 1 as amended recites displaying television programming; superimposing text of text communications from each of a plurality of other multimedia apparatuses on a background; displaying a first group of avatar images representing a first group of the other multimedia apparatuses that are all tuned to the television programming; and

displaying a second group of avatar images at least some of which are tuned to a different television programming than the television programming.

It is submitted that none of the asserted references, either alone or in combination, teaches or suggests this amended feature. For instance, as discussed during the interview, Bruck is primarily concerned with communications between users tuned to the same channel only, and does not teach or suggest displaying communications from both users tuned to the same channel and from users tuned to a different channel. Nor do any of the other asserted references overcome this deficiency of Bruck.

#### ***Independent Claim 15***

Independent claim 15 as amended recites second receiving means for receiving text communications originating from each of a plurality of multimedia apparatuses, a first subset of the multimedia apparatuses being tuned to a television programming when the respective text communications are sent and a second subset of the multimedia apparatuses being tuned to a different television programming than the television programming when the respective text communications are sent; and display means for displaying video of the television programming simultaneously with text of the text communications.

As previously mentioned, Bruck is primarily concerned with communications between users tuned to the same channel only. Thus, neither Bruck nor any other asserted reference, either alone or in combination, teaches or suggests displaying text communications both from multimedia apparatuses tuned to the same channel and other multimedia apparatuses tuned to a different channel. It is therefore submitted that none of the asserted references, either alone or in combination, teaches or suggests this amended feature.

#### ***Independent Claims 24, 29, and 33***

It is submitted that the remaining independent claims as amended are also allowable for at least similar reasons as discussed above with regard to claim 15.

#### ***Dependent Claims***

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

***Conclusion***

All rejections having been addressed, Applicants submit that the instant application is in condition for allowance, and respectfully solicit notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: December 19, 2007

By: /Jordan N. Bodner/  
Jordan N. Bodner  
Reg. No. 42,338

1100 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005  
Tel: (202) 824-3000  
Fax: (202) 824-3001